

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

In re CASSAVA SCIENCES, INC.
SECURITIES LITIGATION

This Document Relates To:

ALL ACTIONS.

) Originating No. 1:21-cv-00751-DAE (W.D.
) Tex.)

)
) CLASS ACTION

)
) DECLARATION OF KEVIN A. LAVELLE
) IN SUPPORT OF MEMORANDUM OF
) LAW IN SUPPORT OF PLAINTIFFS'
) MOTION TO COMPEL THE PRODUCTION
) OF DOCUMENTS

I, KEVIN A. LAVELLE, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California (Cal. State Bar No. 292442). I am a partner of the law firm of Robbins Geller Rudman & Dowd LLP (“Robbins Geller” or “Plaintiffs’ Counsel”), one of the counsel of record for Plaintiffs in the above-entitled action. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. On July 27, 2023, attorneys from Robbins Geller met and conferred with counsel for Quanterix to discuss the company’s privilege log. During the course of that conferral, Plaintiffs’ Counsel questioned whether documents on Quanterix’s privilege log had been properly withheld on grounds including because the documents had been disclosed to third-parties. Plaintiffs’ Counsel also sought further information regarding the nature of the relationship between Quanterix and numerous third-parties included on Quanterix’s privilege log, including two public relations firms and two individual consultants.

3. Following the July 27, 2023 meet and confer, Quanterix provided Plaintiffs’ Counsel with a revised privilege log and produced eight previously withheld or redacted documents on July 28, 2023. Another meet and confer was then held on August 9, 2023 to discuss the relationship and any agreements between Quanterix and the two public relations firms and the two individual consultants, as well as the grounds for Quanterix’s work product assertions. Following that meet and confer, on September 1, 2023, Plaintiffs’ Counsel requested the production of 86 documents and communications from Quanterix’s privilege log withheld on the basis of the attorney-client privilege and/or work product doctrine that had been disclosed to third-parties.

4. In response, on September 21, 2023, Quanterix de-designated and produced nine documents and produced an additional 23 documents with substantial redactions. Quanterix also provided another revised privilege log, but stated it would not produce any additional documents without a court order. The parties were thereafter unable to resolve their differing positions.

5. Attached are true and correct copies of the following exhibits:

- Exhibit A: December 11, 2023 Subpoena to Produce Documents, Information, or Object or to Permit Inspection of Premises in a Civil Action, addressed to Quanterix Corporation, signed by Kevin A. Lavelle;
- Exhibit B: Consolidated Complaint for Violations of the Federal Securities Laws (*In re Cassava Sciences, Inc.*, 1:21-cv-00751-DAE, ECF 68 (W.D. Tex. Aug. 18, 2022));
- Exhibit C: Order Granting in Part and Denying in Part Defendants' Motion to Dismiss (*In re Cassava Sciences, Inc.*, 1:21-cv-00751-DAE, ECF 104 (W.D. Tex. May 11, 2023));
- Exhibit D: June 13, 2023 Subpoena to Produce Documents, Information, or Object or to Permit Inspection of Premises in a Civil Action, addressed to Quanterix Corporation, signed by Megan A. Rossi;
- Exhibit E: September 1, 2023 Letter from Kevin A. Lavelle to Katherine N. Galle re: August 9, 2023 Meet and Confer and July 28, 2023 Privilege Log [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit F: August 27, 2021 Email from Octavia Goodwin to Dan Stringer re: Cease and Desist Request [Quanterix_Cassava_Sec_Litig_0002579] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit G: August 27, 2021 Email from Simon Spichak to Paige Romine re: Request for Comment and Clarification on Recent Press Release [Quanterix_Cassava_Sec_Litig_0003116] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit H: August 27, 2021 Email from Ron Miterko to Quanterix re: Whose assay? [Quanterix_Cassava_Sec_Litig_0003118] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit I: Message from Dusty Whittermore re: 10am call tomorrow about this Cassava thing w Andy and Jon [Quanterix_Cassava_Sec_Litig_0003119] [DESIGNATED CONFIDENTIAL BY QUANTERIX];

- Exhibit J: August 26, 2021 Email from Tanya Shih to ACE team re: Invitation: Important Discussion [Quanterix_Cassava_Sec_Litig_0003109] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit K: August 26, 2021 Email from Brittany Mozuch to Joseph Jiang re: Stock News [Quanterix_Cassava_Sec_Litig_0003100] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit L: September 21, 2023 Letter from Katherine N. Galle to Kevin A. Lavelle re: Quanterix's Privilege Log [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit M: Cassava Sciences Media Coverage [Quanterix_Cassava_Sec_Litig_0003159] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit N: August 18, 2021 Citizen Petition [Quanterix_Cassava_Sec_Litig_0003189] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit O: August 18, 2021 Statement of Concern Regarding the Accuracy and Integrity of Clinical and Preclinical Data Supporting the Ongoing Clinical Evaluation of Compound PTL-125, Also Known As Simufilam [Quanterix_Cassava_Sec_Litig_0003192] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit P: August 27, 2021 Cassava Releases Statement [Quanterix_Cassava_Sec_Litig_0003271] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit Q: August 28, 2021 Email from Heidi Creighton to Kevin Hrusovsky re: Cease and Desist Request [Quanterix_Cassava_Sec_Litig_0003303] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit R: August 27, 2021 Email from Paige Romine to William Whelan, Matthew Brigs et al. re: Coverage (Cassava) [Quanterix_Cassava_Sec_Litig_0003254] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit S: August 27, 2021 Email from Michael Miller to Mike Miller re: Potential Small Edits in v6 Attached [Quanterix_Cassava_Sec_Litig_0003120] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit T: August 27, 2021 Email from Kevin Hrusovsky to Paul Meister re: Any Final Ideas? [Quanterix_Cassava_Sec_Litig_0003274] [DESIGNATED CONFIDENTIAL BY QUANTERIX];

- Exhibit U: August 26, 2021 Email from Nikki Festa to Kevin Hrusovsky re: Cassava Statement for Final Review [Quanterix_Cassava_Sec_Litig_0003296] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit V: September 1, 2023 Quanterix Privilege Log [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit W: August 28, 2021 Email from John Fry to Emily Claffey and Quanterix-SVC re: Coverage (Cassava) [Quanterix_Cassava_Sec_Litig_0003152] [DESIGNATED CONFIDENTIAL BY QUANTERIX];
- Exhibit X: August 27, 2021 Email from Paige Romine to Marissa Sweazy and John Fry re: FW: Cease and desist request [Quanterix_Cassava_Sec_Litig_0003243] [DESIGNATED CONFIDENTIAL BY QUANTERIX].

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 1, 2024, at San Diego, California.

s/ Kevin A. Lavelle

KEVIN A. LAVELLE

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on February 1, 2024, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Theodore M. Hess-Mahan

THEODORE M. HESS-MAHAN (BBO #557109)

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DECLARATION OF SERVICE

I, Theodore M. Hess-Mahan, not a party to the within action hereby declare that on February 1, 2024, I caused to be served the foregoing document by email on the parties to the within action, addressed as follows:

COUNSEL FOR PLAINTIFFS:

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COUNSEL FOR QUANTERIX CORP.:

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I declare under penalty of perjury that the foregoing is true and correct. Executed on February 1, 2024, at Wellesley Hills, Massachusetts.

s/ Theodore M. Hess-Mahan

 THEODORE M. HESS-MAHAN